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Message Text

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51
ACTION AF-18

INFO OCT-01 EUR-25 ISO-00 L-03 SCA-01 H-03 CIAE-00 INR-10

NSAE-00 RSC-01 SS-20 NSC-10 PRS-01 DRC-01 (ISO) W
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FM AMEMBASSY LUSAKA
TO SECSTATE WASHDC PRIORITY 9697
INFO AMEMBASSY OTTAWA

C O N F I D E N T I A L LUSAKA 0069

E. O. 11652: GDS
TAGS: MOPS, CASC, ZA
SUBJECT: MAY 15 SHOOTING INCIDENT -- CROTHERS' CLAIM

1. AFTER INFORMAL DISCUSSION JAN 14 WITH ASST SEC MANDA OF MOFA AND CANADIAN HICOM BROADBRIDGE EARLIER, EMBASSY PROPOSES SUBMISSION OF NOTE TO MOFA REQUESTING DISCUSSIONS SEEKING EX GRATIA PAYMENT FOR MR. AND MRS. CROTHERS. DEPT'S COMMENTS INVITED ON OPERATIVE PORTIONS OF DRAFT NOTE AS FOLLOWS:

(A) "THE EMBASSY WOULD LIKE TO ENTER INTO DISCUSSIONS WITH THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA CONCERNING THE MAY 15 INCIDENT AT VICTORIA FALLS WHICH RESULTED IN PERSONAL INJURY TO AND HOSPITALIZATION OF MR. JOHN W. CROTHERS. MR. AND MRS. CROTHERS, BOTH AMERICAN CITIZENS, WERE ON THE AFRICAN LEG OF A ROUND-THE-WORLD TRIP WHEN THE SHOOTING INCIDENT OCCURED. IT INTERRUPTED THEIR VACATION AND CAUSED CANCELLATION OF THEIR TRIP. THEY RETURNED TO THE UNITED STATES AS SOON AS MR. CROTHERS WAS ABLE TO TRAVEL AFTER HOSPITALIZATION.

(B) "AS THE MINISTRY WILL RECALL, THE EXPERIENCE OF MR. AND MRS. CROTHERS IN THE MAY 15 SHOOTING INCIDENT WAS THE SUBJECT OF DISCUSSION AT THE DEPARTMENT OF STATE IN WASHINGTON IN THE FALL OF 1973 BETWEEN PRESIDENTIAL ADVISOR MR. MARK CHONA AND U. S. OFFICIALS OF THE OFFICE OF EAST AFRICAN AFFAIRS. THE EMBASSY WAS SUBSEQUENTLY INFORMED BY MR. CHONA THAT ANY FURTHER
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DISCUSSIONS OF THE CASE SHOULD BE TAKEN UP WITH THE

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MINISTRY OF FOREIGN AFFAIRS.
(C) "INASMUCH AS A PRECEDENT FOR EX GRATIA PAYMENT WAS ESTABLISHED BY THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA IN THE CASE OF THE CANADIAN VICTIMS OF THE MAY 15 SHOOTING INCIDENT, THE EMBASSY SEEKS AN OPPORTUNITY TO DISCUSS THE APPLICABILITY OF THIS PRECEDENT TO THE CASE OF THE AMERICAN VICTIMS OF THE SHOOTING INCIDENT.
(D) "THE EMBASSY WOULD BE GRATEFUL TO THE MINISTRY IF IN ITS REPLY IT WOULD INDICATE A SUITABLE DATE WHEN DISCUSSIONS ON THIS SUBJECT MIGHT BE OPENED."

2. CANADIAN HICOM TOLD US GRZ TOOK THREE AND ONE-HALF MONTHS TO ACT ON CANADIAN NOTE OF JUN REQUESTING DISCUSSIONS.

PART OF DELAY OCCASIONED BY INTERVENING COMMONWEALTH CONFERENCE AND MUTUALLY AGREEABLE DATE FOR CANADIAN LAWYER PARTICIPATE AS SPOKESMAN. WHILE TIME-LAG COULD BE LESS IN CROTHERS' CASE THERE WILL UNDOUBTEDLY BE NEED, AS IN CANADIAN CASE, FOR CABINET-LEVEL CONSIDERATION BEFORE DECISION ON PAYMENT REACHED. CROTHERS SHOULD BE TOLD DISCUSSIONS LIKELY TO TAKE TIME.

3. CANADIAN HICOM GOVERNMENT NEVER FORMALLY BROACHED A COMPENSATION FIGURE AS IT WAS UNDERSTOOD IT WOULD BE EMBARRASSING TO BOTH PARTIES. DISCUSSIONS OPENED WITH CANADIAN REQUEST ON GRZ OFFER. WHEN A RANGE BETWEEN 25 AND 50 THOUSAND DOLLARS WAS INFORMALLY SUGGESTED, BROADBRIDGE QUIETLY OPTED FOR HIGHER FIGURE. FORMAL OFFER THEN MADE AND ACCEPTED. CANADIAN HICOM TOLD AMBASSADOR IT WOULD BE EXTREMELY AWKWARD FOR CANADIANS POLITICALLY SHOULD US NEGOTIATIONS RESULT IN HIGHER COMPENSATION.

4. RECOMMEND WE FOLLOW CANADIAN LEAD ON OFFER AND POSSIBLY ALSO IN HAVING A STATE LAWYER PARTICIPATE AS SPOKESMAN. THIS ARRANGEMENT WOULD SEEM TO OFFER CERTAIN ADVANTAGES IN FUTURE CONTACTS WITH CROTHERS; ALSO IN DEFLECTING ANY LOCAL CRITICISM WHICH COULD POSSIBLY HAMPER OUR RELATIONS IN OTHER A*EAS.
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